

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

GEORGE L. MILLER, Chapter 7 Trustee for
Education Management Corporation,
(A Pennsylvania Corporation), *et al.*,
1628 John F Kennedy Blvd, #950,
Philadelphia, PA 19103

Plaintiff,

v.

KKR & CO. INC.,
30 Hudson Yards, Ste. 7500
New York, NY 10001, *et al.*,

Defendants.

Case No. 2:25-cv-00311-JS

**STIPULATION AND [PROPOSED] ORDER EXTENDING DEFENDANTS’
DEADLINE TO RESPOND TO PLAINTIFF’S COMPLAINT**

WHEREAS, on December 20, 2024, George L. Miller, Chapter 7 Trustee for the debtors in the jointly administered bankruptcy cases in the United States Bankruptcy Court for the District of Delaware captioned *In re: The Art Institute of Philadelphia LLC, et al.*, D. Del. Bankr. No. 18-11535 (CTG) (the “Plaintiff”), filed a complaint (the “Complaint”) in the Pennsylvania Court of Common Pleas, Philadelphia County, Civil Action No. 241101799 (the “State Court Action”). *See* ECF No. 1-1 at 26-75.

WHEREAS, on January 17, 2025, Defendants KKR & Co. Inc., KKR Credit Advisors (US) LLC, KKR Financial Holdings III, LLC, KKR Strategic Capital Institutional Fund, Ltd., KKR-Milton Capital Partners L.P., KKR-PBPR Capital Partners L.P., KKR Debt Investors II (2006) (Ireland) L.P., KKR Lending Partners L.P., FS KKR Capital Corp., 8 Capital Partners L.P., BCBSM, Inc., Spruce Investors Limited, Kermit Cook (the “KKR Defendants”), and Oregon

Public Employees Retirement Fund (collectively with the KKR Defendants, the “Defendants”), removed the State Court Action to this Court. *See* ECF No. 1.

WHEREAS, on January 21, 2025, counsel for the Plaintiff and counsel for the KKR Defendants met and conferred by telephone. Counsel for the Plaintiff stated that Plaintiff intends to seek to remand the State Court Action to the state court from which it was removed.

NOW, THEREFORE, Plaintiff and Defendants agree that, until the proper venue¹ to litigate Plaintiff’s claims has been resolved, Defendants’ obligation to answer, move to dismiss, or otherwise respond to the Complaint is stayed. The Plaintiff and Defendants further agree that after a final determination regarding venue has been made, Defendants shall have thirty (30) days to answer, move to dismiss, or otherwise respond to the Complaint.

[REST OF PAGE INTENTIONALLY LEFT BLANK]

¹ This stipulation, and any reference to venue, is without prejudice to any defense of sovereign immunity that may be raised by any Defendant.

Dated: Philadelphia, PA
January 23, 2025

COREN & RESS, P.C.

/s/ Steven M. Coren

Steven M. Coren
John W. Morris
Two Commerce Square
Suite 3900
2001 Market Street
Philadelphia, PA 19103
Tel.: (215) 735-8700
Fax.: (215) 735-5170
scoren@kcr-law.com
jmorris@kcr-law.com

Attorneys for Plaintiff

DECHERT LLP

/s/ Michael S. Doluisio

Michael S. Doluisio (PA Bar ID 75060)
Christopher J. Merken (PA Bar ID 329814)
Cira Centre
2929 Arch Street
Philadelphia, PA 19104-2808
Tel: (215) 994-4000
Fax: (215) 994-2222
michael.doluisio@dechert.com
christopher.merken@dechert.com

-and-

**PAUL, WEISS, RIFKIND, WHARTON &
GARRISON LLP**

Andrew G. Gordon*
Brian S. Hermann*
Jeffrey J. Recher*
1285 Avenue of the Americas
New York, NY 10019-6064
Tel: (212) 373-3543
Fax: (212) 492-0543
agordon@paulweiss.com
bhermann@paulweiss.com
jrecher@paulweiss.com

* *Pro Hac Vice* application forthcoming

*Attorneys for KKR & Co. Inc., KKR Credit
Advisors (US) LLC, KKR Financial Holdings III,
LLC, KKR Strategic Capital Institutional Fund,
Ltd., KKR-Milton Capital Partners L.P., KKR-
PBPR Capital Partners L.P., KKR Debt Investors
II (2006) (Ireland) L.P., KKR Lending Partners
L.P., FS KKR Capital Corp., 8 Capital Partners
L.P., BCBSM, Inc., Spruce Investors Limited, and
Kermit Cook*

-and-

MORGAN, LEWIS & BOCKIUS LLP

/s/ John C. Goodchild III

John C. Goodchild III (PA Bar ID 74856)
Matthew C. Ziegler (PA Bar ID 326334)
2222 Market Street
Philadelphia, PA 19103-3007
Tel: (215) 963-5000
Fax: (215) 963-5001
john.goodchild@morganlewis.com
matthew.ziegler@morganlewis.com

*Attorneys for Oregon Public Employees
Retirement Fund*

APPROVED BY THE COURT

Date: _____

The Honorable Juan R. Sánchez
United States District Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 23, 2025, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system.

By: /s/ Michael S. Doluisio
Michael S. Doluisio